

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

BERNIE V. CLEVELAND,

Plaintiff,

v.

ROGER E. WALKER, JR., et al.,

Defendants.

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Case No. 3:08-cv-371 DRH

ORDER

This case comes before the Court upon review of the docket. On July 14, 2009, the Clerk of Court sent a request for waiver of service, along with a USM-285 form and a service packet to the United States Marshal Service for Defendant S. Hill (Doc. 15). September 23, 2009, the waiver was returned from the Marshal unexecuted with a notation that the Illinois Department of Corrections had been unable to locate Defendant S. Hill (Doc. 33). On October 8, 2009, however, the Illinois Department of Corrections filed with the Court a Notice of Compliance indicating that it had provided the Marshal with the last known address of Defendant S. Hill on October 5, 2009 (Doc. 38).

Accordingly, the Court **DIRECTS** the Clerk to prepare a summons for Defendant S. Hill and **ORDERS** the United States Marshal for the Southern District of Illinois to personally serve process upon Defendant S. Hill pursuant to Rule 4 of the Federal Rules of Civil Procedure and 28 U.S.C. §566(c).

Within ten days after personal service is effected, the United States Marshal shall file the return of service for the Defendant, along with evidence of any attempts to secure a waiver of service of process and of the costs subsequently incurred in effecting service on said Defendant. Said

costs shall be enumerated on the USM-285 form and shall include the costs incurred by the Marshal's office for photocopying additional copies of the summons and complaint and for preparing new USM-285 forms, if required. Costs of service will be taxed against the personally-served Defendant in accordance with the provisions of Federal Rule of Civil Procedure 4(d)(2) unless the Defendant shows good cause for such failure.

The Court also **DIRECTS** the Clerk to forward a copy of this order to the United States Marshal Service.

IT IS SO ORDERED.

DATED: December 4, 2009

s/ Donald G. Wilkerson
DONALD G. WILKERSON
United States Magistrate Judge